



4/15/05

BIGZOO-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	
Y. Lee <i>et al.</i>	:	Group Art Unit: 2643
Serial No.: 10/039,795	:	Examiner: Woo, Stella L.
Filed: 10/19/2001	:	Date: August 24, 2005
For: FAMILY TREE WEBSITE	:	
ARCHITECTURE	:	

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT
PURSUANT TO 37 C.F.R. 1.181 (a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Petition under 37 C.F.R. 1.181 (a) to Withdraw a Holding of Abandonment.

On July 19, 2004, our firm was retained by the Applicants to prepare a responsive Amendment to an outstanding Office Action (paper number 5).

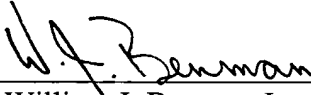
On August 9, 2004, we filed an Amendment with a request for a 2-month Extension of Time with the United States Patent and Trademark Office along with a Power of Attorney and **Change of Correspondence Address**. A copy of the postcard acknowledging receipt of the above by the United States Patent and Trademark Office is enclosed.

On August 3, 2005, we received a facsimile from our client forwarding a Notice of Abandonment as received by them from the United States Patent and Trademark Office for failure to respond to an Office letter allegedly mailed on December 27, 2004 in connection with the above-identified Application.

To date, we have not received any letter allegedly mailed to us from the USPTO on December 27, 2004. As evidenced by the attached copy of the Office Action, it was sent to an incorrect address as we filed a notice of Change of Correspondence Address in accordance with the requirements of the USPTO.

For the reasons set forth above, Applicants respectfully submit that the Application was abandoned due to U.S. Patent and Trademark Office error and was therefore unavoidable. A request to withdraw the holding of abandonment of the subject application is hereby requested.

Respectfully submitted
Yong T. Lee *et al.*

By 
William J. Benman Jr.
Attorney for Applicants
Registration No. 29014

Benman, Brown & Williams
2049 Century Park East
Suite 2740
Los Angeles CA 90067

(310) 553-2400



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

11

Application Number

10.039,795

Filing Date

10/19/2001

First Named Inventor

Y. Lee

Art Unit

2643

Examiner Name

Woo, Stella L.

Attorney Docket Number

BIGZOO-1

ENCLOSURES (Check all that apply)☐

Fee Transmittal Form

☐

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐Reply to Missing Parts/
Incomplete Application☐Reply to Missing Parts
under 37 CFR 1.52 or 1.53☐

Drawing(s)

☐

Licensing-related Papers

☒

Petition

☐Petition to Convert to a
Provisional Application☐

Power of Attorney, Revocation

☐

Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) _____

☐

Landscape Table on CD

☐

After Allowance Communication to TC

☐Appeal Communication to Board
of Appeals and Interferences☐Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)☐

Proprietary Information

☐

Status Letter

☒Other Enclosure(s) (please identify
below):

- Documentation to support Petition (8 pgs)
- Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Benman, Brown & Williams

Signature

Printed name

William J. Benman

Date

August 26, 2005

Reg. No.

29,014

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Leigh Christian

Date

August 26, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



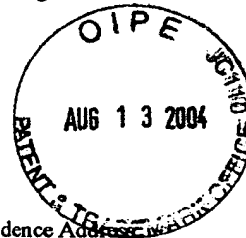
Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office
In re Application of
Yong T. Lee
Serial No. 10/039,795
Filed: 10/19/2001
For: FAMILY TREE WEBSITE ARCHITECTURE

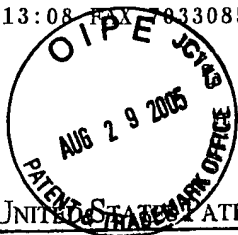
: Group Art Unit 2643
: Examiner: Woo, Stella L.
: Date: August 9, 2004

including:

- Transmittal Letter
- Amendment
- Fee Transmittal
- Check in the amount of \$210
- Petition for Extension of Time (2 months)
- Power of Attorney and Change of Correspondence Address
- Postcard

Docket# BigZoo-1





UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,795	10/19/2001	Yong Tuck Lee	SS-31	9199

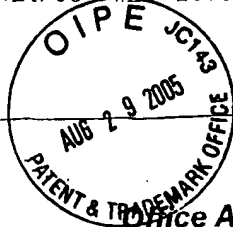
7590 12/27/2004
Young Lee
c/o Big Zoo.com
55 South Lake Avenue
Suite 700
Pasadena, CA 91101

EXAMINER
WOO, STELLA L

ART UNIT 2643
PAPER NUMBER

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary

Application No.

10/039,795

Applicant(s)

LEE, YONG TUCK

Examiner

Stella L. Woo

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

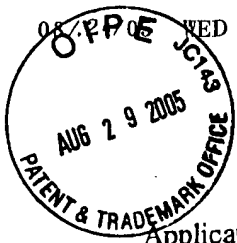
Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.



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DETAILED ACTION***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 21, 24-25 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Kumano (US 5,349,629).

Regarding claims 21, 24, 36, Kumano discloses a data storage and retrieval system comprising:

means for storing contact information by group (abbreviated numbers are stored in memory area 18A by group; see Figure 3; col. 1, lines 64-65);

means for associating said contact information with an associated group with a code that includes a group number and a contact number (user enters a "code" by first entering the associated group number, col. 6, line 40, and then desired abbreviated contact number by depressing the call button when the contact number is displayed, col. 6, lines 53-61; col. 7, lines 18-21); and

means for automatically communicating with a contact by entering said code (when the above-described "code" is entered, the call signal corresponding to the telephone number data stored in memory area 18b is transmitted to establish connection with the called party; col. 7, lines 21-25).

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Regarding claim 25, each group can be associated with a plurality of contacts (see Figure 3).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 22, 28-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumano in view of Sussman (US 5,483,586).

Kumano differs from claims 22 and 31-32 in that it does not teach storing the contact information at a server. However, Sussman teaches the desirability of retrieving contact information from a server (central telephone directory service provider 1 with subscriber information database 2 and central on-line database system 3; Figure 1; Abstract) such that it would have been obvious to an artisan of ordinary skill to incorporate such storage of contact information at a server, as taught by Sussman, in order to retrieve the most up-to-date directory information from any telephone.

Regarding claims 28-29, 33-35, Sussman teaches the requirement of a user identification code and password to prevent unauthorized access (col. 3, lines 35-46; col. 7, lines 10-13).

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kumano in view of Sussman, as applied to claim 22 above, and further in view of Beaton et al. (US 6,526,129, hereinafter "Beaton").

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The combination of Kumano and Sussman differs from claim 23 in that it does not teach accessing the contact information at the server via a web site. However, Beaton teaches such access via the Internet (directory information at central server 106 can be accessed over the Internet, Intranet or dial-up service by computer users; col. 3, lines 52-58) such that it would have obvious to an artisan of ordinary skill to incorporate such access via the Internet, as taught by Beaton, for retrieving the contact information from the server via a user-friendly interface, such as a web site over the Internet.

6. Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumano in view of Beaton.

Kumano differs from claims 26-27 in that it does not teach sending email. However, Beaton teaches communication via e-mail (e-mail button 864), audio message (voicemail button 862) and conversion between different communication types (col. 5, line 64 – col. 6, line 20) such that it would have been obvious to an artisan of ordinary skill incorporate such email communication capability, as taught by Beaton, within the system of Kumano in order to provide the user with an alternative means of communicating to another user.

Response to Arguments

7. Applicant's arguments with respect to claims 21-36 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (703) 305-4395. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

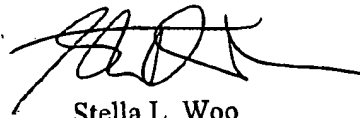
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Stella L. Woo
Primary Examiner
Art Unit 2643